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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,363	10/20/2003	Milind M. Buddhikot	BUDDHIKOT 8-1-1-1-8-11 (L)	4389
46363	7590	09/25/2008	EXAMINER	
WYSZYNSKI, AUBREY H				
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			ART UNIT	PAPER NUMBER
			2134	
			MAIL DATE	DELIVERY MODE
			09/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/689,363

Applicant(s)

BUDDHIKOT ET AL.

Examiner

AUBREY H. WYSZYNSKI

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 and 29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 7/31/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/31/08 has been entered.
2. Claims 1-20 and 29 are pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 07/31/08 is being considered by the examiner.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1, 3-5, 7, 9, 10, 12, 15, 16, 19, and 29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1, 2, 4-8, 10, 15, and 16 of Application No. 10/689,168 in view of Choyi et al., USPN 7,339,928.

This is a provisional obviousness-type double patenting rejection.

10/689,363	Co-pending application 10/689,168
1. A gateway for mobile access, comprising: a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a mobile node; at least one dynamic packet filter that performs multi-layer filtering based on the user profile data; wherein the foreign agent transfers a session from a first network to a second	1. A gateway for mobile communications, comprising: a cache for storing network data recently downloaded from a network; a mobile IP foreign agent; and a packet filter that directs requests for the network data from a mobile node to the cache, the packet filter directing the requested network data from the cache to the mobile node by way of the foreign agent, without forwarding the requested network data to a home agent of the

<p>network without session interruption, using the session state data, when the mobile node moves from the first network to the second network, and</p> <p>the foreign agent uses the dynamic packet filter to permit Internet access by the mobile node without passing Internet data requested by the mobile node through a network in which the home AAA system is located</p>	<p>mobile node.</p> <p>2. The gateway of claim 1, further comprising a storage device that stores a state of the mobile node, the state of the mobile node being updated in the storage device when the mobile node moves from the proximity of the gateway to the proximity of a second gateway having a second foreign agent,</p> <p>wherein the packet filter directs the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.</p> <p>7. The gateway of claim 1, wherein the packet filter performs multi-level filtering.</p>
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<p>15. A gateway for mobile access, comprising: a foreign agent that receives user profile data from a home authentication, authorization and accounting (AAA) system of a client, when the client establishes a session with the gateway;</p> <p>a dynamic packet filter that performs multi-layer filtering based on the user profile data;</p> <p>an access point contained within or attached to a housing of the gateway, for communication between the gateway and the client; and</p> <p>a wireless modem contained within or attached to a housing of the gateway, wherein the gateway is mobile, and the modem permits wireless communication between the gateway and a wireless network</p>	<p>1. A gateway for mobile communications, comprising:</p> <p>a cache for storing network data recently downloaded from a network;</p> <p>a mobile IP foreign agent; and</p> <p>a packet filter that directs requests for the network data from a mobile node to the cache, the packet filter directing the requested network data from the cache to the mobile node by way of the foreign agent, without forwarding the requested network data to a home agent of the mobile node.</p> <p>2. The gateway of claim 1, further comprising a storage device that stores a state of the mobile node, the state of the mobile node being updated in the storage device when the mobile node moves from the proximity of the gateway to the proximity of a second gateway having a second foreign agent,</p>
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	<p>wherein the packet filter directs the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.</p> <p>7. The gateway of claim 1, wherein the packet filter performs multi-level filtering.</p>
<p>3. The gateway of claim 1, wherein the dynamic packet filter performs network layer filtering and one of the group consisting of transport layer filtering and application layer filtering.</p> <p>19. The gateway of claim 15, wherein the dynamic packet filter performs network layer filtering and one of the group consisting of transport layer</p>	<p>8. The gateway of claim 1, wherein the packet filter performs network layer filtering and one of the group consisting of transport layer filtering and application layer filtering</p>

filtering and application layer filtering.	
12. The gateway of claim 1, further comprising 802.11 access point contained within or attached to a housing of the gateway.	6. The gateway of claim 5, wherein the gateway has at least one port for coupling directly or indirectly to an 802.11 access point.
4. The gateway of claim 1, further comprising a non-volatile storage device in which the user profile data are stored. 5. The gateway of claim 1, wherein the non-volatile storage device has a database that stores state information for each active user session	10. The gateway of claim 9, further comprising a storage device that stores a state of the mobile node, the state of the mobile node being updated in the storage device when the mobile node moves from the proximity of the gateway to the proximity of a second gateway having a second foreign agent, wherein the data directing means directs the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.

<p>7. The gateway of claim 1, wherein the gateway exchanges AAA data with the home AAA system of the mobile node by way of the Internet, and the gateway provides Internet access to the mobile node without passing Internet data requested by the mobile node through the network of the home AAA system.</p> <p>16. The gateway of claim 15, wherein the gateway provides Internet access to the client without passing Internet data requested by the client through a network containing the home AAA system of the client</p>	<p>15. A method for mobile worldwide web access, comprising: caching network data recently downloaded from a network in a cache; directing requests for the network data from a mobile node to the cache; directing the requested network data from the cache to the mobile node by way of a foreign agent collocated with the cache, without forwarding the requested network data to a home agent of the mobile node, while the mobile node is proximate to the cache.</p>
<p>10. The gateway of claim 1, the user profile data include per-user policies dynamically obtained from the home AAA server of the mobile node and the gateway further the dynamic packet filter is included</p>	<p>4. The gateway of claim 1, wherein the packet filter adds at least one packet-mangling rule to a set of firewall policies associated with the mobile node.</p>

in a firewall that uses packet filtering rules that depend on the per-user policies	5. The gateway of claim 4, wherein the at least one packet-mangling rule is user-specific.
9. The gateway of claim 1, wherein the gateway has a foreign agent that communicates with the home AAA system of the mobile node, and the foreign agent is capable of operating in a relay mode, in which the foreign agent forwards packets to the home AAA of the mobile IP node for authentication, or in a standalone mode, in which authentication computations for the simple IP mobile node are performed in the gateway.	16. The method of claim 15, further comprising: storing a state of the mobile node at a first gateway that includes the cache; updating the state of the mobile node when the mobile node moves from the proximity of the first gateway to the proximity of a second gateway having a second foreign agent; directing the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.
29. A computer readable medium encoded with computer program code, wherein, when the code is executed by a processor, the processor performs a method for	1. A gateway for mobile communications, comprising: a cache for storing network data recently downloaded from a network;

<p>controlling mobile access, comprising the steps of filtering incoming packets based on a media access control address of each packet; obtaining user profile data of a mobile IP node from a home authentication, authorization and accounting (AAA) server of a mobile IP node, to determine whether the mobile IP node is registered to access a network by way of a gateway; performing multi-layer filtering based on the user profile data; transferring a session from a first network to a second network in which the mobile IP node is located without session interruption when the mobile node moves to the second network; and providing Internet access to the mobile IP node without passing Internet data requested by the mobile IP node through a network in which the home AAA server is located</p>	<p>a mobile IP foreign agent; and a packet filter that directs requests for the network data from a mobile node to the cache, the packet filter directing the requested network data from the cache to the mobile node by way of the foreign agent, without forwarding the requested network data to a home agent of the mobile node.</p> <p>2. The gateway of claim 1, further comprising a storage device that stores a state of the mobile node, the state of the mobile node being updated in the storage device when the mobile node moves from the proximity of the gateway to the proximity of a second gateway having a second foreign agent, wherein the packet filter directs the requested network data from the cache to the mobile node by way of the second foreign agent, without forwarding the</p>
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	<p>requested network data to the first foreign agent or a home agent of the mobile node, while the mobile node is in the proximity of the second gateway.</p> <p>7. The gateway of claim 1, wherein the packet filter performs multi-level filtering.</p>
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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-5, 7, 9, 10, 12, 15, 16, 19 and 29 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/689,168 which has a common assignee and inventors with the instant application. Based upon the effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application.

This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S. filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

8. Claims 1-20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over copending application 10/689,168 and further in view of Choyi et al., USPN 7,339,928.

Regarding claims 1-14 and 29, co-pending application 10/689,168 discloses a gateway for mobile access, comprising:

a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a mobile node; at least one dynamic packet filter that performs multi-layer filtering based on the user profile data; wherein the foreign agent transfers a session from a first network to a second network without session interruption, using the session state data, when the mobile node moves from the first network to the second network, and the foreign agent uses the dynamic packet filter to permit Internet access by the mobile node without passing Internet data requested by the mobile node through a network in

which the home AAA system is located. The co-pending application 10/689,168 lacks or does not expressly disclose "a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a mobile node". However, Choyi discloses a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a mobile node (col. 11, lines 5-49 and col. 13, lines 8-col. 14, line 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of co-pending application 10/689,168 with the system of Choyi to have a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a mobile node in order to register the mobile node with the foreign agent, as taught by Choyi (col. 11, lines 5-49 and col. 13, lines 8-col. 14, line 26).

Regarding claims 15-20, co-pending application 10/689,168 discloses a gateway for mobile access, comprising: a foreign agent that receives user profile data from a home authentication, authorization and accounting (AAA) system of a client, when the client establishes a session with the gateway;
a dynamic packet filter that performs multi-layer filtering based on the user profile data;
an access point contained within or attached to a housing of the gateway, for communication between the gateway and the client; and

a wireless modem contained within or attached to a housing of the gateway, wherein the gateway is mobile, and the modem permits wireless communication between the gateway and a wireless network. The co-pending application 10/689,168 lacks or does not expressly disclose "a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a client". However, Choyi discloses a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a client (col. 11, lines 5-49 and col. 13, lines 8-col. 14, line 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of co-pending application 10/689,168 with the system of Choyi to have a foreign agent that receives user profile data and session state data from a home authentication, authorization and accounting (AAA) system of a client in order to register the client with the foreign agent, as taught by Choyi (col. 11, lines 5-49 and col. 13, lines 8-col. 14, line 26).

Conclusion

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aubrey H Wyszynski/
Examiner, Art Unit 2134

/Kambiz Zand/
Supervisory Patent Examiner, Art Unit 2134